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10/803,590	03/18/2004	Folu Okunseinde	AUS920031041US1	7383

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EXAMINER

GERGISO, TECHANE

ART UNIT	PAPER NUMBER
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2437

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/803,590	Applicant(s) OKUNSEINDE ET AL.	
	Examiner TECHANE J. GERGISO	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 28-29 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 28, 29 and 31-34 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>23 July 2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is a Final Office Action in response to the applicant's communication filed on July 23, 2009.
2. Claims 1-8, 28-29 and 31-34 have been examined and are pending.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on July 23, 2009 is being considered by the examiner.

Specification

4. Amendment to the specification filed on July 23, 2009 is accepted.

Claim Objections

5. Claims 1, 28 and 33 are objected to because of the following informalities:

In claim 1: line 1 "a object" should be "an object".

In claim 28: line 7 "device is adapted to provide" should be "device provides".

In claim 33: line 13-14 "further comprising: transmitting the object" should be "transmitting the object".

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: line 5 recites “at least one intermediate device” and in the next lines the claims recite for example in claim 1: line 8 “a next device in the transmission path”. The “at least one intermediate device” is interpreted and considered broadly as “an intermediate device” between the source device and target device to constitute three devices to form the path and therefore invalidates the recited “a next device in the transmission path” and renders the claim to be indefinite and ambiguous in order to define its scope and boundary.

Claim 3: line 5 recites “performing at least one of:” Construction and analysis of claim 3 does not indicate a plurality of distinct performances to chose from or perform as recited "at least one of". Rather the features in claim 3 as a whole are particular and coherent. It is not clear which particular or distinct step in the claim is be performed as "at least one of" and therefore renders claim 3 ambiguous and indefinite to define its scope and boundary.

Response to Arguments

8. Applicant's arguments with respect to claims 1-8, 28-29 and 31-34 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2437

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 4, 6-8, 28-29 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (US. Pub. No.: US 2004/0259529) in view of Lee, IV et al. (Hereinafter referred to as Lee, US. Pub. No.: 2005/0188072).

As per claim 1:

Suzuki discloses a method, comprising:

determining security information associated with a object, wherein the security information is inserted in a header of the object and the object is to be transmitted from a source device to a target device along a transmission path that includes at least one intermediate device (0008; 0011-0012; Figure 2: Terminals A-D; Authentication header);

determining, at each of the source device, and the at least one intermediate device along the transmission path as the object is transmitted along the transmission path, whether a next device in the transmission path to which the object is to be transmitted provides a security in the header of the object (0011; 0021; 0050; 0073-0074);

transmitting, at each of the source device, and the at least one intermediate device along the transmission path as the object is transmitted along the transmission path, the object to the

Art Unit: 2437

next device in the transmission path in response to determining that the next device provides security in the header of the object (0044; 0050; 0073-0074).

Suzuki does not explicitly disclose security information is associated with a transaction object and providing a level of security indicated by at least a portion of the security information. Lee, in analogous art, however, disclose security information is associated with a transaction object (0028; 0054) and providing a level of security indicated by at least a portion of the security information (0043; security specific policy; 0054; 0094; level of policy application; 0106-0107). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Suzuki to include security information is associated with a transaction object and providing a level of security indicated by at least a portion of the security information. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do to dynamically construct a protocol to facilitate communication between nodes and across multiple nodes and utilize policies associated with the nodes to specify protocol properties of the nodes and select a policy expression in a policy related to a node by another node to construct a protocol between the two nodes as suggested by Lee in (0007).

As per claim 2:

Lee discloses the object is a business object, and wherein determining next device in the transmission path provides the level of security comprises: transmitting to the next device in the transmission path information representative of the level of security that is desired; and receiving

Art Unit: 2437

a response from the next device in the transmission path indicating that the next device in the transmission path provides the desired level of security (0011; 0034; 0037).

As per claim 4:

Lee discloses the security information comprises determining security information relating to at least one of connection information, class information, trusted entities information, and logging capability information (0068-0069).

As per claim 6:

Lee discloses determining an alternative intermediate device along a different transmission path that is adapted to provide provides the level of security represented required by the at least a portion of the security information in response to determining that the adjacent intermediate next device in the transmission path does not adapted to provide the level of security required by the at least a portion of the security information (0083-088; 0100).

As per claim 7:

Lee discloses sending a message to the next device in the transmission path instructing the next device to execute at least one module that allows the next device to provide the level of security required by the at least a portion of the security information (0083-088).

As per claim 8:

Art Unit: 2437

Suzuki discloses determining the security information comprises determining the security information in response to receiving the object from at least one of a previous device or a source device in the transmission path (0011; 0021; 0050; 0073-0074).

As per claim 31:

Lee discloses at least one intermediate device includes at least a first intermediate device and a second intermediate device;

wherein determining if a next device in the transmission path provides a level of security required by the at least a portion of security information includes performing the determining at the source device, wherein the next device is the first intermediate device (0010; 0021; 0083-088);

wherein transmitting the object to the next device comprises transmitting the object to the first intermediate device, and wherein in response to determining that the next device provides the level of security and in response to determining that the first intermediate device provides the level of security (0083-088; 0094);

determining, at the first device, is second device of the plurality of intermediate devices that is adjacent the first device provides the level of security indicated by the at least a portion of the security information (0094; 0104; 0108; Figure 5: 500),

transmitting the object to the second device of the plurality of intermediate devices in response to determining that the second device provides the level of security; and transmitting the object to the target device from the second device (0094; 0104; 0108; Figure 5: 500).

Art Unit: 2437

As per claim 32:

Lee discloses determining an alternative intermediate device along a different transmission path that provides the level of security represented in response to determining that at least one of the first intermediate device and the second intermediate device in the transmission path does not provide the level of security (0054; 0100).

As per claim 33:

Lee discloses the at least one intermediate device includes a plurality of intermediate devices;

wherein determining if an adjacent intermediate a next device in the transmission path is adapted to provide provides a level of security comprises determining, at a previous device in the transmission path, a security level for each intermediate device of the plurality of intermediate devices (0084; 0094; 0100);

wherein transmitting the object to the adjacent intermediate next device in the transmission path in response to determining that the adjacent intermediate next device is adapted to provide the level of security: comprises transmitting the object to each of the plurality of intermediate devices in the transmission path in response to determining that each of the plurality of intermediate devices is adapted to provide provides the level of security; further comprising: transmitting the object to the target device (0084; 0094; 0100).

As per claim 34:

Art Unit: 2437

Lee discloses the object is one of a plurality of objects of the transaction, and wherein at least two of the objects in the plurality of objects have different security information in their respective headers identifying different levels of security required to be provided by devices along corresponding transmission paths to receive the at least two objects (0083-088; 0100).

As per claim 28:

Suzuki discloses a method, comprising:

receiving, at a first device along a transmission path from a source device to a target device, a request from a second device along the transmission path desiring to transmit an object to a third device, wherein the request includes security information associated with the object, the security information being provided in a header of the object (0008; 0011-0012; Figure 2: Terminals A-D; Authentication header);

determining if the first device is adapted to provide a security identified by the security information in the header of the object; and transmitting an indication to the second device based on determining if the first device provides the security identified by the security information (0011; 0021; 0050; 0073-0074); and

receiving, in the first device, the object from the second device only in response to the first device transmitting an indication that the first device the security information (0044; 0050; 0073-0074).

Suzuki does not explicitly disclose providing a level of security indicated by at least a portion of the security information. Lee, in analogous art, however, disclose providing a level of

Art Unit: 2437

security indicated by at least a portion of the security information (0043; security specific policy; 0054; 0094; level of policy application; 0106-0107). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Suzuki to include providing a level of security indicated by at least a portion of the security information. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do to dynamically construct a protocol to facilitate communication between nodes and across multiple nodes and utilize policies associated with the nodes to specify protocol properties of the nodes and select a policy expression in a policy related to a node by another node to construct a protocol between the two nodes as suggested by Lee in (0007).

As per claim 29:

Lee discloses configuring the first device with at least one module that provides the level of security (0083-088).

Allowable Subject Matter

11. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and in addition if each and every rejection and objection of given above for this claim is overcome.

The following is a statement of reasons for the indication of allowable subject matter: Claim 3 includes the following features which are not taught or further suggested and would not

Art Unit: 2437

have been obvious over prior arts of record as a whole either taken alone or in combination and with particular features of: prompting the next deice in the transmission path to execute one module that allows the next deice in the transmission path to prove the desired security level and comparing a list of trusted devices in a header portion of transmitted header objects that comprises an object handler module as defined and described in claim 3.

Conclusion

12. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. See the notice of reference cited in form PTO-892 for additional prior arts.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2437

Contact Information

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Techane J. Gergiso whose telephone number is (571) 272-3784 and fax number is (571) 273-3784. The examiner can normally be reached on between 9:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Techane J. Gergiso/

Examiner, Art Unit 2437